

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PATRICIA HUNTER,

Plaintiff,

Case No. 1:16-cv-08779-ER

ANSWER TO CROSS CLAIMS

-against-

PALISADES ACQUISITION XVI, LLC,
SHARINN & LIPSHIE, P.C.,
HARVEY SHARINN,

Defendants.

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Defendants Sharinn & Lipshie, P.C. (“S&L”) and Harvey Sharinn (“Sharinn”) (collectively, the “S&L Defendants”), by their attorneys Kaufman Dolowich & Voluck, LLP, answer the Cross Claims of Defendant Palisades Acquisition XVI, LLC (“Palisades”) as follows:

ANSWERING THE FIRST CROSS CLAIM
(Legal Malpractice against Sharinn & Lipshie, P.C. and Harvey Sharinn)

1. Deny the allegations contained in paragraph “186” of Palisades’ Answer to the Second Amended Complaint (hereinafter, “Palisades’ Answer”), and respectfully refer the Court to the allegations in the Second Amended Complaint for their content and context.

2. Deny the allegations contained in paragraph “187” of Palisades’ Answer.

ANSWERING THE SECOND CROSS CLAIM
(Contractual Indemnification against Sharinn & Lipshie, P.C.)

3. Deny the allegations contained in paragraph “188” of Palisades’ Answer, except admit that S&L is a party to a Legal Services Agreement with Data Search NY, Inc. d/b/a/ TRAKAmerica, Inc., dated July 16, 2012.

4. Deny the allegations contained in paragraph “189” of Palisades’ Answer.

ANSWERING THE THIRD CROSS CLAIM

(Common Law Indemnification against Sharinn & Lipshie, P.C. and Harvey Sharinn)

5. Deny the allegations contained in paragraph “190” of Palisades’ Answer.

AFFIRMATIVE DEFENSES

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

6. Palisades’ cross claims are barred, in whole or in part, by the doctrines of waiver, estoppel and laches.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

7. Palisades’ cross claims are barred, in whole or in part, by a lack of privity with the S&L Defendants.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

8. Palisades’ cross claims are barred, in whole or in part, because of their own culpable conduct in causing the injury alleged in Plaintiff’s Second Amended Complaint.

WHEREFORE, the S&L Defendants hereby demand:

- a. Judgment dismissing Palisades’ Cross Claims with prejudice; and
- b. Such other and further relief as this Court deems just, equitable and proper.

Dated: Woodbury, New York
November 20, 2018

KAUFMAN DOLOWICH & VOLUCK, LLP

By: /s/ Brett A. Scher
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To: All Counsel via ECF